

ASSEMBLY BILL

No. 929

Introduced by Assembly Member Oropeza

February 18, 2005

An act to add Section 1256.5 to, and to add Article 5 (commencing with Section 114897) to Chapter 6 of Part 9 of Division 104 of, the Health and Safety Code, relating to radiation technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 929, as introduced, Oropeza. Radiologic technology: radiation exposure.

(1) Under existing law, the State Department of Health Services administers provisions that establish standards for the education, training, and experience of persons who use radiologic technology on human beings.

This bill would require the department, using existing information available from 2 federal sources, to educate the public about the health effects of radiation and how to reduce exposure to radiation, to develop a radiation awareness poster and distribute it to hospitals, and to develop a radiation awareness section on its Web site that includes a downloadable X-ray record card and brochure.

The bill would also require the department to convene an advisory panel to provide recommendations on standards for measuring and tracking safe radiation dosage and methods for improving provider and patient awareness of radiation exposure risks, to the department and the Legislature on or before June 2007.

(2) Existing law provides for the licensure and regulation of health facilities by the department. A violation of these provisions is a crime.

This bill would require each health facility that uses radiological technology in the examination of patients to post the radiation

awareness poster and to print and disseminate, to the extent its resources permit, the radiation brochure required to be prepared by the department.

Because this bill would impose a new requirement on certain health facilities, a violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) (A) More than 300,000 medical and dental imaging
4 examinations and radiation therapy treatments are administered
5 annually in the United States. Seven out of every 10 Americans
6 undergo a medical or dental imaging examination or radiation
7 therapy treatment every year in the United States.

8 (B) These procedures are useful in the diagnosis of medical
9 conditions. However, the administration of medical and dental
10 imaging examinations and the effect of these procedures on
11 individuals have a substantial and direct effect upon public health
12 and safety.

13 (C) It is in the interest of public health and safety to minimize
14 unnecessary or inappropriate exposure to radiation from medical
15 and dental radiological procedures.

16 (2) In 2005, about 135,125 Californians will be diagnosed
17 with cancer and about 53,785 will die of the disease. Cancer
18 incidence is rising at an alarming rate. Exposure to radiation such
19 as through X-rays, CT scans, fluoroscopy, and other medical and
20 dental radiological procedures is contributing to these increasing
21 rates.

22 (3) A report jointly released by the Breast Cancer Fund, a
23 nonprofit environmental health organization, and Breast Cancer

1 Action, a nonprofit national education and advocacy
2 organization, states that exposure to ionizing radiation is the
3 best-established environmental cause of human breast cancer.
4 Breast cancer is the most commonly diagnosed cancer among
5 women in California and in the United States. Each year in
6 California approximately 25,000 women will be diagnosed with
7 the disease and 4,000 will die from it.

8 (4) The occurrence of excess brain tumors after high-dose
9 exposure to ionizing radiation is well established. In adults,
10 dental X-rays have also been shown to increase the risk of
11 meningioma, a benign brain tumor, especially in women.

12 (5) In January 2005, the National Toxicology Program
13 classified x-radiation and gamma radiation as known human
14 carcinogens. Radiation is an extremely important and life-saving
15 therapy for many cancer patients. However, it is also important to
16 inform cancer patients about the risks of radiation. Although
17 diagnostic radiation is valuable in the practice of medicine and
18 dentistry today, patients have the right to know that procedures
19 involving exposure to radiation entail risks as well as benefits.

20 (6) To reduce the risk of radiation-related cancer, physicians,
21 dentists, other health care providers, technologists, equipment
22 manufacturers, and the government share the responsibility to
23 minimize radiation exposure of patients. Exposures should be as
24 low as reasonably achievable without sacrificing image quality.
25 Studies have shown that some physicians, dentists, and other
26 health professionals underestimate the risk of cumulative
27 radiation exposure when referring patients for X-rays, scans, and
28 other imaging procedures. In addition, patients are not always
29 fully informed about the potential risk inherent in radiologic
30 imaging. Improving patient awareness and protection during
31 radiologic imaging is a critical step toward reducing a
32 preventable cause of cancer.

33 (7) According to the National Cancer Institute, children are
34 uniquely vulnerable to harm from radiation exposure because
35 they are more sensitive to radiation than adults. Children have a
36 longer life expectancy after exposure, creating a larger window
37 of opportunity for expressing radiation damage. For example, CT
38 scans deliver a much higher radiation dose than ordinary X-rays.
39 Approximately 2 to 3 million CT examinations are performed
40 annually on children in the United States. The use of CT scans

1 has increased seven-fold in the past 10 years. Experts estimate
2 that CT radiation exposure can be cut by 50 percent during
3 examinations of children without sacrificing diagnostic
4 information.

5 (b) It is the intent of the Legislature in enacting this act to
6 educate health professionals and the public regarding radiation
7 risks and how to reduce exposure.

8 SEC. 2. Section 1256.5 is added to the Health and Safety
9 Code, to read:

10 1256.5. (a) Every health facility that uses radiological
11 technology in the examination of patients shall post in each of its
12 waiting and examination rooms the radiation awareness poster
13 developed and distributed by the department pursuant to
14 subdivision (b) of Section 114897.

15 (b) To the extent that resources permit, each hospital subject to
16 subdivision (a) shall print, and disseminate in waiting and
17 examination rooms, the radiation awareness brochure developed
18 by the department pursuant to subdivision (c) of Section 114897.

19 SEC. 3. Article 5 (commencing with Section 114897) is
20 added to Chapter 6 of Part 9 of Division 104 of the Health and
21 Safety Code, to read:

22
23 Article 5. Radiation Exposure
24

25 114897. (a) (1) The State Department of Health Services
26 shall educate the public about the health effects of radiation and
27 how to reduce exposure to radiation.

28 (2) The department shall use existing information available
29 through the United States Food and Drug Administration and the
30 National Cancer Institute to implement this section.

31 (b) The department shall develop a radiation awareness poster
32 and distribute it to hospitals.

33 (c) The department shall develop a radiation awareness section
34 on its Web site that includes, but is not limited to, a
35 downloadable X-ray record card and brochure in English and
36 Spanish, and, to the extent that funding is available, in other
37 languages.

38 (d) (1) The department shall convene an advisory panel
39 composed of experts in radiology and public health and
40 consumer advocates.

1 (2) On or before June 1, 2007, the advisory panel shall prepare
2 and provide to the department and the Legislature
3 recommendations on both of the following:

4 (A) Standards for measuring and tracking radiation dosage for
5 each diagnostic patient procedure.

6 (B) Methods for improving provider and patient awareness of
7 the risks of radiation exposure.

8 SEC. 4. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.